

## **HOWARD COUNTY BOARD OF COMMISSIONERS MEETING JUNE 3, 2013**

The Howard County Board of Commissioners met in Regular Session on Monday, June 3, 2013 at 4:00 p.m. in Hearing Room 338 of the Administration Center. Those in attendance included President Tyler Moore, Vice President Paul Wyman, and Member Brad Bray. Also in attendance were County Attorney Larry Murrell and Auditor Martha Lake.

The meeting was called to order by Sheriff Steve Rogers and conducted by President Tyler Moore. Commissioner Brad Bray led in the Pledge of Allegiance and Commissioner Wyman offered a word of prayer.

### **IN THE MATTER OF APPROVAL OF MINUTES:**

The minutes of the May 20, 2013, Regular Meeting, having been previously submitted and reviewed, were approved on a motion made by Mr. Wyman and seconded by Mr. Bray.

The minutes of the May 22, 2013, Executive Session were submitted. Commissioner Tyler Moore, Paul Wyman, and Brad Bray were present. Also present were Councilmen Dick Miller and Dwight Singer, Plan Director Greg Sheline, Auditor Martha Lake, County Attorney Larry Murrell; Brad King, Paul Bowman, Andy Melka (Attorney), and Mary Solada (Attorney), representing Wildcat Wind Farm II, LLC. The minutes were approved as submitted on a motion made by Mr. Wyman and seconded by Mr. Bray.

### **IN THE MATTER OF DEPARTMENTAL REPORTS:**

#### **SHERIFF DEPARTMENT:**

Captain Jerry Asher submitted the Patrol Vehicle Quotes and they were opened as follows:

Button Dodge	5 Dodge Durangos, rear wheel	\$28,661.00 ea	\$138,305.00	Total
	5 Dodge Durangos, all wheel	\$30,245.00 ea	\$146,225.00	Total
	5 Dodge Chargers	\$28,398.00 ea	\$136,390.00	Total
Brad Howell Ford	5 2014 Explorer SUV, all wheel	\$26,989.70 ea	\$130,948.50	Total
Erik's Chevrolet	5 Tahoe	\$28,500.00 ea	\$136,000.00	Total
	5 Caprice	\$27,800.00 ea	\$132,500.00	Total

A motion was made by Mr. Wyman, seconded by Mr. Bray, and carried to take the Vehicle Quotes under advisement for further review by the Sheriff's Department.

#### **PROSECUTOR:**

On behalf of Prosecutor Mark McCann, County Attorney Larry Murrell submitted a 36 month renewal of the WestLaw Agreement. The Agreement is for law research services that include Primary Law, Analytical Library, Criminal Secondary Library, and Federal Materials. This is the same contract with a small increase. Mr. Murrell has reviewed the contract and finds it in order. A motion was made by Mr. Wyman, seconded by Mr. Bray, and carried to approve the three year renewal agreement with WestLaw, and authorize the President to sign on behalf of the Board of Commissioners.

***Mr. Paul Marcellino, County Agent, could not attend today's meeting and will bring his copier purchase request to the June 17<sup>th</sup> meeting.***

***Personnel Director Wanda McKillip was not able to come to today's meeting.***

#### **AUDITOR:**

Auditor Martha Lake submitted an Authorization to Proceed from Schneider Corporation for the service of Parcel Adjustment, in the amount of \$82,950. The Parcel Adjustment project is part of the November 15, 2004, agreement with Schneider, paragraph 3. The section corner review has been completed by the Surveyor's Office and Schneider can begin. The estimated time of completion will be within 12 months, depending on source availability and client quality control review. Mr. Murrell has reviewed the agreement and suggested several changes; the current agreement reflects the suggested changes. The Adjustment will be financed \$50,000 from the Plat Book Fund, \$22,950 from the Ineligible Homestead Fund, and the remaining \$10,000 from the Reassessment

Fund. A motion was made by Mr. Wyman to approve the Authorization to Proceed from Schneider Corporation for the Parcel Adjustment Project, in the amount of \$82,950, and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Bray and carried.

#### **IN THE MATTER OF CLAIMS AND REPORTS:**

Auditor Martha Lake submitted the following claims and reports for the Commissioners' information and approval:

1. **Operating Claims:** Ms. Lake submitted the Operating Claims payable today, in the amount of \$424,996.30. The claims were approved on a motion made by Mr. Bray and seconded by Mr. Wyman. Mr. Moore abstained from the vote.
2. **Salary Claims:** The Commissioners' Salary, Hourly, and Overtime claims payable June 7 and 14, 2013, in the amount of \$354,032.21 each were submitted. A motion was made by Mr. Bray to approve the Commissioner's Salary, Hourly, and Overtime claims. The motion was seconded by Mr. Wyman and carried.
3. **Monthly Reports:** Ms. Lake submitted the Treasurer's Monthly Report for the month ending April 30, 2013. Also submitted were the EMA May Calendar and Event Listing, and April's Calendar. A motion was made by Mr. Bray to receive all reports as submitted. The motion was seconded by Mr. Wyman and carried.
4. **Early Payment Claim:** Ms. Lake submitted a \$5,000 claim for postage for the Clerk's office that is deemed an emergency for early payment. A motion was made by Mr. Bray to approve the \$5,000 postage claim for the Clerk's Office. The motion was seconded by Mr. Wyman.

#### **IN THE MATTER OF COUNTY ATTORNEY CLAIMS:**

County Attorney Larry Murrell submitted the following issues for the Board's information and approval:

1. **Confirm Contract:** At the May 7<sup>th</sup> meeting, the Commissioners approved an e-mail copy of a contract between Howard County Clerk's Office and 39 Degrees North for redistricting and reprecincting services (*please refer to pages two and three, "Departmental Reports: Howard County Clerk", of the Regular Meeting minutes dated May 7, 2013*). Mr. Murrell now submits the final copy of the Contract and asks the Commissioners to confirm their approval and sign the contract. A motion was made by Mr. Wyman to confirm the contract with 39 Degrees North and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Bray and carried.
2. **Assistant County Attorney Invoices:** Mr. Murrell submitted several invoices for payment from Mr. Alan D. Wilson. The first invoice, in the amount of \$1,740.00, is for litigation services in the case of Sha'nel Alsop vs Howard County Sheriff's Department. A motion was made by Mr. Wyman, seconded by Mr. Bray, and carried to approve the invoice from Mr. Alan D. Wilson in the amount of \$1,740.00.

Mr. Murrell also submitted a statement from Mr. Wilson, in the amount of \$7,725.00 that includes six litigation cases, to be paid from Insurance Deductible and Contract Services line items. The Statement from Alan D. Wilson, in the amount of \$7,725.00 was approved for payment on a motion made by Mr. Wyman and seconded by Mr. Bray.

#### **IN THE MATTER OF COMMISSIONER ISSUES:**

##### **COMMISSIONER WYMAN:**

Commissioner Wyman thanked the EMA Department for their road closure and safety services during the recent Kokomo Sprint Triathlon. The Department and its volunteers did a great job!

##### **COMMISSIONER MOORE:**

Commissioner Moore submitted an Imprelis Warranty Claims Resolution Process, Property Owner Designation of Authorized Representative for Warranty Site Visit. This designation authorizes Mr. Arlyn M. Bernhardt, as secretary of the Moors of Chippendale Homeowner's Association, to be the representative of the Howard County

Board of Commissioners as it concerns the damage done on the median of the entry road to the Chippendale Subdivision that is owned by Howard County (*please refer to item one, page three, "In The Matter Of County Attorney Issues", of the Regular Meeting minutes dated October 1, 2012*). Commissioner Moore signed the Designation of Authorization on Tuesday, May 21, 2013. He now asks that his signature be ratified. A motion was made by Mr. Wyman to ratify the May 21<sup>st</sup> signature of President Moore on the Designation of Authorized Representative for Warranty Site Visit. The motion was seconded by Mr. Bray and carried.

Mr. Moore gave a "shout out" to the Eastern Girl's Track Team for their success at the State level.

Kudos were also given to the Western Boy's Baseball Team by Mr. Wyman.

#### **IN THE MATTER OF PUBLIC COMMENT:**

Commissioner Moore opened the floor for Public Comment, on behalf of Ms. Grace Aprill, Mr. Keith Brautigam, and any other speaker, as follows:

**Grace Aprill**, 12765 E. County Road 100 N., Greentown, Indiana: Declared that June is Dairy Month. She reiterated that she is a dairy farmer and she is very concerned for her cows and her child. She does not want to work under the turbines. She continued to ask Mr. Wyman if he had contacted the people whose names and contact information she had given to him. She submitted a file of signed petitions for the Commissioners to peruse. A completed spreadsheet will be submitted at a later date. She submitted a copy of a letter from Beckman Lawson, representing Howard County Concerned Citizens concerned about the proposed wind farms in Howard County. A request for a Moratorium on permits for wind turbines was renewed until the Plan Commission and the Howard County Board of Commissioners review the current Zoning Ordinance for a possible amendment of the setbacks and the DBA limits. The letter also gave an opinion on the Economic Development Agreement (EDA).

**Keith and Star Brautigam**, 2234 N. County Road 1000 E., Greentown, Indiana: Mr. and Mrs. Brautigam attended a meeting sponsored by the Tipton CRD inviting residents who live in the area of the Wild Cat Wind Farm Phase I to report on how the wind turbines have impacted their lives at this time. Mr. & Mrs. Brautigam submitted comments from those who had attended the meeting. The closing comment asked that the Board of Commissioners understand that industrial turbines are for industrial places and not where people live.

**Tom Cornell**, 3631 N. County Road 900 E., Greentown, Indiana: Mr. Cornell spent thirty-five (35) years as an engineer and has been a radio amateur for fifty-five (55) years, observing and experimenting with the way radio waves travel. Mr. Cornell distributed copies of some of his research and reviewed the paperwork with the Board of Commissioners.

**Norman York**, 1144 S. County Road 900 E., Greentown, Indiana: Mr. York is a retired military officer and pilot. He talked about wind farms with turbines in disrepair in other areas of the United States. Property values plummeted, people had to leave their homes, and mortgage loans were not available in some of the affected areas. Tax revenue base was also affected. He speaks from personal experience as a former resident of California, and asks the Board of Commissioners to be socially responsible.

**Jane Garr**: Ms. Garr is a national board member of the Aviation Association, and distributed information concerning wind power farms and aerial application of farm protection products, seed, fertilizers, etc. on farm ground. She reminded the Board that Howard County has a rich agricultural heritage. She is very concerned of the effect that wind turbines will have on low-level aviators, and the obstruction of transmission lines, communications towers, and now, wind turbines and hard-to-see meteorological testing towers. The NAAA's Tower Safety Guidelines encourage developers not to erect wind towers on prime farmland in a manner that may inhibit aerial applicators' access and ability to treat the land.

**John Garr**: He has heard a lot of information on wind turbine effects that are detrimental to people that live near the wind turbines. Would anyone on the Board of Commissioners like to have to deal with what the residents deal with? Mr. Garr was also concerned about who would de-commission the turbines if the wind companies go bankrupt? Mr. Garr asked for a moratorium.

**Cherie Weeks**, 7236 E. County Road 100 N., Greentown, Indiana: Residents of Howard County that will live near the wind turbines are "heartbroken" about what the turbines will do to their lives. A great percentage of residents in the wind farm area do not want the turbines. Please follow the World Health Organization's standards.

**Tim Kenworthy**, 9168 E. 00 North South, Greentown, Indiana: Mr. Kenworthy was disappointed by the Kokomo Tribune article that covered the May 20<sup>th</sup> Commissioner meeting. The article made it sound like most of the residents were pro wind farm. He offered to e-mail the Commissioners copies of an independent study conducted by Mr. Anderson. Has the County received any money from eON to date? Mr. Murrell commented that Howard County has only received reimbursement for professional expenses such as outside counsel and financial advice, per agreement with Howard County.

**Bill Heck**, 3671 N. County Road 1100 E., Greentown, Indiana: Mr. Heck supports the Wildcat Project. After the May 7<sup>th</sup> meeting, Mr. Heck was given a DVD to watch, by one of the leaders of the opposition. The DVD sets forth all of the objections and fears that have been voiced during these meetings. It purports to be a documentary and is produced by Ms. Laura Israel, a resident of New York City, but a property owner in Lewis County, New York. She joined the wind farm opposition to show the concerns that the community had concerning the wind farms. Virtually every interviewee did not live in the vicinity of a wind farm but were reciting things they were told would happen. There was one gentleman from Tug Hill who had experience with the wind farm at Tug Hill Plateau. What the documentary did not say, was that the project in Lewis County, New York, was the subject of a Residential Survey after the project went operational. Eighty per cent of those surveyed said that they viewed the project as having a positive effect and would favor an expansion of the wind farm. He encouraged the Commissioners to study neighboring wind farms that have been in operation the last four to five years, and see what their issues are. He also submitted census data from areas that have a wind farm.

Commissioner Moore encouraged those present to contact the Board of Commissioners with comments or concerns. Contact information is available on the county's website.

*At 6:06 p.m. the Board of Commissioners' Regular Meeting was adjourned on a motion made by Mr. Wyman and seconded by Mr. Bray, to hold a previously scheduled Drainage Board meeting.*

**HOWARD COUNTY BOARD OF COMMISSIONERS:**

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TYLER O. MOORE, PRESIDENT

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PAUL G. WYMAN, VICE PRESIDENT

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ROBERT B. BRAY, MEMBER

ATTEST:

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MARTHA J. LAKE, AUDITOR  
Howard County Commissioner Meeting June 3, 2013